THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 11705 of 1997

Oral order:

The petitioner, as party-in-person, has filed this writ petition in general public interest, *inter alia* seeking a direction to respondent No.2, namely A.P. Pollution Control Board (hereinafter referred to as 'the Pollution Control Board'), to take emergency measures to control the pollution caused by respondent No.1, namely Vazir Sultan Tobacco (hereinafter referred to as 'the industry'), either by shifting or closing the industry, and also direct the Pollution Control Board to submit report reflecting the nature of pollution that is being caused by the industry.

Though the writ petition was admitted as far back as on 11.06.1997, no counter was filed by the respondents. However, pursuant to the directions of this Court dated 11.03.2005, respondent Nos. 1 and 2 filed separate counters. Respondent No.1 in their counter *inter alia* stated that the industry is conscious of maintaining pollution free and healthy environment by adhering to the pollution control laws in force and that it is not a polluting industry and that it has installed some of the best pollution control equipment, which are well maintained, and that any emissions are within the prescribed limits. Respondent No.2 in their counter *inter alia* stated that the Rapid Environmental Impact Assessment study carried out by Indian Institute of Chemical Technology and Jawaharlal Nehru Technological University, showed that the air component is insignificant as emissions due to the existing plant are negligible and the predicted concentrations are well within the standards prescribed by CPCB, and that in pursuance of the directions made by a Division Bench of this Court in two taken up writ petitions in W.P. Nos. 13189 and 17269 of 1998, dated 12.08.2004 the industry is under constant watch, and if emissions are found in excess of permissible limit, they would take action in accordance with law.

On 01.04.2005, after hearing the learned counsel appearing on behalf of the industry and the learned Standing Counsel for the Pollution Control Board, both of them agreed that they would conduct separate quality control tests of the air and

submit reports for cross verification, and as agreed by them, this Court directed the industry to get the quality control test of the air, conducted through Environment Protection Training & Research Institute (EPTRI) and the Pollution Control Board through their Task Force and submit reports. Pursuant thereto, respondent No.1 filed additional counter along with the analysis reports of EPTRI, while respondent No.2 filed the report dated 16.04.2005 of the inspection conducted by their Task Force. A perusal of both the reports would indicate that the emissions are within the limits of the parameters and standards prescribed for assessing the pollution.

The counter filed by the respondent No.2-Pollution Control Board would disclose that the industry has installed latest equipment for monitoring the S.P.M. levels, and that the emissions are within permissible limits and that not industry is not a polluting industry, and that there is no complaint against the industry from anybody with regard to pollution, and that the industry is having their valid consent under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 up to 31.03.2007.

A Division Bench of this Court vide judgment dated 12.08.2004 has disposed of two taken up writ petition in W.P. Nos. 13189 and 17269 of 1998, filed by public spirited persons, for shifting of industries located to Azamabad area to some other area, which are said to be causing pollution, with the following directions:

> The Andhra Pradesh Pollution control Board will ensure that periodic survey is made as regards the industries located in twin cities, more particularly, those which are responsible for causing environmental problems, and, as and when complaint is received, the Pollution Control Board shall have spot inspection carried out. Wherever it is necessary, it will be for the Pollution Control Board to issue appropriate directions to be complied with by the industries so as to adhere to the norms set up by the Board, and, in case, despite giving of opportunity to comply with its directions, industries will fail to comply, nothing prevents the Pollution Control Board from passing appropriate orders in accordance with law.
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> Insofar as the Committee is concerned, we would direct the Principal Secretary to Government, Environment, Forests, Science and Technology, State of Andhra Pradesh to obtain up-to-date information from the Committee with reference to G.O. Rt. No.205, dated 7th June, 2002, and, in case, there appears to be some hitch in the Committee finalizing the report, to take up the matter afresh, and, if necessary, to modify, add, or annul the issues referred to the Committee, and, issue appropriate guidelines, or, directions for finalizing the report, and, on receipt of the report, it will be duly examined by the Government for further action, if any, required, in order to solve the problem being faced by the citizens of twin cities of Hyderabad and Secunderabad with ever growing industries within the residential limits. It is high time that respondents will take steps in right direction to ensure pollution free life in the twin cities of Hyderabad and Secunderabad.
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> With the above directions, we dispose of the writ petitions, with hope and expectation that each of one of the respondents who are responsible will take appropriate steps in the light of the directions above-mentioned.

Having regard to the above directions, made by a Division Bench of this

Court, in the two taken up writ petitions, referred to above, and having regard to the counters filed by the respondents, which are supported by inspection reports and study reports, which state that the industry is not causing pollution and that the emissions are within the permissible limits, no direction as prayed for by the petitioner to either close down or shift the industry can be given. However, I deem it appropriate to dispose of the writ petition with the following directions:

Respondent No.2-Pollution Control Board, shall as directed by a Division Bench of this Court in W.P. Nos. 13189 and 17269 of 2007, dated 12.08.2004 shall conduct periodical study of the emission levels in the industry, and if at any point of time, the study reflects that the emissions levels are over and above the permissible or prescribed limits, then it is at liberty to take appropriate action against the industry in accordance with law.

The writ petition is accordingly disposed of. No costs.

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N.V. RAMANA, J.

Date: 12.12.2005.

KSR/MRR